

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**MAY 12, 2009**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, May 12, 2009 at 9:18 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Ceasar C. Mitchell, Vice-Chair**  
**The Honorable Howard Shook**  
**The Honorable Ivory L. Young, Jr.**  
**The Honorable Clair Muller**  
**The Honorable Joyce Sheperd**  
**The Honorable Natalyn M. Archibong**

Others present at the meeting were: M. Theresa Stewart, Renee Sheperd, and Stephanie Grant, Law Department; Deputy Commissioners Sheila Pierce and George Barnes, Department of Watershed Management; Madelyn Grant and James Swope, Department of Public Works; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:18 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A.    ADOPTION OF THE AGENDA - ADOPTED**
- B.    APPROVAL OF MINUTES - APPROVED**
- C.    COMMENTS FROM THE PUBLIC**

### **CONSENT**

- D.    ORDINANCES FOR FIRST READING**

09-O-0847 ( 1)    An Ordinance by City Utilities Committee to amend Section 130-83(a) of the City's Code of Ordinances to reflect the current practice of annual billing for Solid Waste Service; to authorize the assessment of prorated Solid Waste Service Fees for properties that begin service subsequent to the assessment of annual bills; and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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**ORDINANCES FOR FIRST READING (CONT'D)**

- 09-O-0848 ( 2)     An Ordinance by City Utilities Committee authorizing the Mayor or her designee to contribute funds from the Department of Public Works Quality of Life Bond Fund to add additional funding in an amount not to exceed \$104,000.00 to extend the Georgia Department of Transportation Resurfacing Contract for the completion of Project Nos. LAU (187) and (518) in connection with Local Assistance Road Program (LARP); and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

- 09-O-0849 ( 3)     An Ordinance by City Utilities Committee authorizing the reimbursement or payment of \$1,385,000.00 in Local Match Funds for the construction of the Buckhead Pedestrian Bridge/Plaza Project to supplement a Memorandum of Understanding Agreement between the City of Atlanta and the Metropolitan Area Rapid Transit Authority (MARTA); and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

**REGULAR**

**E.     PUBLIC HEARING - ORDINANCE FOR SECOND READING**

- 09-O-0797 ( 1)     An Ordinance by City Utilities Committee amending Chapter 130, Article II, Division 4, Section 130-83(a) of the Code of Ordinances of the City of Atlanta, to create a Minimum Collections Fee for Solid Waste Service Charges; amending Section 130-84 of the Code of Ordinances of the City of Atlanta to create a new subsection to authorize a fee for the use of specialized equipment during Solid Waste Collection; and for other purposes. **(Public Hearing held 5/12/09.)**  
**(Councilmember Smith made a motion to hold awaiting the NPU's tabulation sheet.)**

**HELD**

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**F. COMMUNICATION**

- 09-C-0828 ( 1) A Communication by Councilmembers Felicia A. Moore, District 9; C. T. Martin, District 10 and H. Lamar Willis, Post 3 At-Large appointing **Ms. Phyllis E. Turner** to serve as a member of the People TV Board of Directors. This appointment is to fill the unexpired term of James Lee Padgett which expires November 19, 2009.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE - REFERRED TO COMMITTEE ON COUNCIL**

**G. ORDINANCES FOR SECOND READING**

- 09-O-0657 ( 1) An Ordinance by City Utilities Committee rescinding Ordinance Number 09-O-0006 adopted by Council of February 2, 2009 and approved by the Mayor on February 10, 2009 authorizing the Chief Financial Officer to amend the FY 2009 Budget (5052-2J21) Water and Wastewater Renewal and Extension Fund – Commercial Paper I) in the amount of \$1,423,750.00; to transfer funds from the Capital Projects Reserve for Appropriations and add to appropriations for Land and Easement Accounts for the following Projects; Camp Creek Basin Relief, Proctor Creek Basin Relief, South River Basin Relief, Sandy Creek Basin Relief, Custer Ave. (Stockade) Sewer Separation, Fairburn Road Pump & Water Mains and South-West Main Improvements; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-0658 ( 2)     An Ordinance by City Utilities Committee rescinding Ordinance Number 09-O-0007 adopted by Council of February 2, 2009 and approved by the Mayor on February 10, 2009 authorizing the Chief Financial Officer to amend the FY 2009 Budget (5052-2J21) Water and Wastewater Renewal and Extension Fund – Commercial Paper I) in the amount of \$4,443,440.00; to transfer funds from appropriations in Sewer Group 1 Rehabilitation (Land & Easement) and Sewer Group 2 Rehabilitation (Land & Easement) Accounts and add to the Capital Projects Reserve (5052) for use on other Capital Projects; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-O-0659 ( 3)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (Water and Wastewater Renewal and Extension Fund (5052-2J21)), in the amount of \$6,495,000.00; to transfer funds from the Surcharge Projects Reserve for Appropriations and to add to appropriation funds for the Chattahoochee/Hemphill WTP's – Various Improvement; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-O-0660 ( 4)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2001 Water and Wastewater Fund 2J27/5057)), in the amount of \$12,287,398.00; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.  
**(Councilmember Smith made a motion to hold.)**

**HELD**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-0661 ( 5)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2004 Water and Wastewater (5058/2J28)) in the amount of \$1,357,750.00; to transfer funds from the Capital Projects Reserve for Appropriations and add to appropriations for Land and Easement Accounts for the following projects: (Camp Creek Basin Relief, Proctor Creek Basin Relief, South River Basin Relief, Sandy Creek Basin Relief); and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-O-0662 ( 6)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 Budget (2004 Water and Wastewater Bond Fund- 5058) in the amount of \$12,165,000.00; to transfer funds from the Capital Projects Reserve (5058)) for Appropriations and to add to appropriation funds for the Automation of Hemphill & Chattahoochee Water Treatment Plants; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-O-0663 ( 7)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2009 (2004 Water and Wastewater – (2J28/5058)) Budget, in the amount of \$39,685,993.15; to transfer funds from Completed, Realigned, Postponed or Discontinued Projects to the Capital Projects Reserve for Appropriations; and for other purposes.  
**(Councilmember Smith made a motion to hold.)**

**HELD**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 09-O-0840 ( 8)     An Ordinance by Councilmember Ivory L. Young, Jr. authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain Subdivision SD-06-48 (1235 Martin Luther King, Jr. Drive, NW) applicant deposit a dollar amount (\$3,050.00) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 3; and for other purposes.  
**(Councilmember Young made a motion to approve.)**

**FAVORABLE**

**H.     RESOLUTIONS**

- 09-R-0838 ( 1)     A Resolution by Councilmember Howard Shook requesting the Department of Watershed Management to develop and submit written reports on a quarterly basis to the City Council's City Utilities Committee regarding the implementation of the recommendations of the City Auditor's, in its April 30, 2009 Report, "City of Atlanta-Department of Watershed Management, Performance Review"; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 09-R-0850 ( 2)     A Resolution by City Utilities Committee authorizing the Mayor to enter into a Project Management Agreement with the Downtown Atlanta Community Improvement District for the West Peachtree Place Two-Way Conversion Project, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

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**I. PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1) An Ordinance by Councilmember Clair Muller **as substituted by City Utilities Committee** to amend Article VII of Chapter 74 entitled "*Riparian Buffer Requirements*"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Referred by back Council 10/20/08) (Held 10/28/08 at the request of the author)**
- 07-R-1214 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**
- 07-O-1521 ( 3) An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "*Outdoor Dining Areas*"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "*Outdoor Dining Areas*"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**
- 07-O-2505 ( 4) An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. **as amended by City Utilities Committee** amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 07-O-2604 ( 5)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**
- 07-O-2605 ( 6)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**
- 08-O-0481 ( 7)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**
- 08-O-1000 ( 8)     An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**
- 08-O-1213 ( 9)     An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d). **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**



**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1215 (10) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-O-1217 (11) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**
- 08-R-1445 (12) A Resolution by Councilmember Carla Smith authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$\_\_\_\_\_ as stipulated penalties for the violation of CSO Fecal Coliform Operational Standards \_\_\_\_\_ pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT; to identify the source of funding; and for other purposes. **(Held 7/15/08) (Dummy paper)**
- 08-O-1689 (13) An Ordinance by Councilmember Carla Smith authorizing a new appraisal for the purchase by the City of a twelve foot (12') strip of land along the rear property line of 1144 and 1200 Avondale Avenue, lying and being in Land Lot 23 of the 14<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 8/26/08 for further review)**
- 08-O-2139 (14) An Ordinance by Councilmembers Mary Norwood and Carla Smith to amend the City of Atlanta Code of Ordinances, Part 154, Division IV, Section 154-297, to recoup the cost to the City of Enforcement of the Grease Management Ordinance; to clarify the permit process; and for other purposes. **(Held 10/28/08 at the request of the author)**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-2162 (15) A Resolution by City Utilities Committee authorizing the Mayor on behalf of the City of Atlanta, to enter into a Memorandum of Understanding, with the Georgia Department of Transportation, for Project Management, Preliminary Engineering Design Activities and Construction and the acquisition of rights-of-way of certain improvements, for Transportation Enhancement Project No. CSTE-0009-00(023), East Atlanta Sidewalks, Fulton County; and for other purposes. **(Held 11/10/08 at the request of the Department of Public Works.)**
- 09-O-0214 (16) An Ordinance by City Utilities Committee rescinding 97-O-1090 which abandoned Gaither Circle, NE between Cheshire Bridge Road, NE and Wellbourne Drive, NE, all lying and being in Land Lot 50 of the 17<sup>th</sup> District, Fulton County, Georgia; and for other purposes. **(Held 2/24/08 for a Public Hearing)**
- 09-O-0500 (17) An Ordinance by Councilmember Ceasar C. Mitchell to transfer \$18,000.00 from Post 1-At-Large Councilmember Expense Account to the Department of Public Works to be used to assist in funding the Cahaba Drive Walking Path Project; and for other purposes. **(Referred back by Council 4/20/09) (Held 4/28/09 at the request of Councilmember Mitchell)**
- 09-R-0668 (18) A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 for FC-6005007944, Water Meter Replacement and Automated Meter Reading ("AMR") Deployment with K&V Meter Automation, LLC Joint Venture ("JV") on behalf of the Department of Watershed Management, for time-only; and for other purposes. **(Held 4/28/09 for further review)**

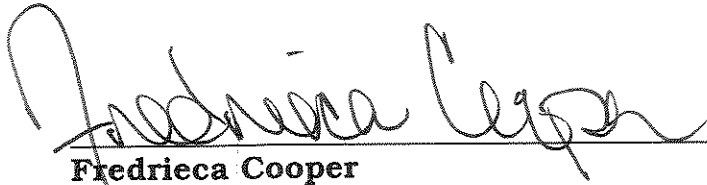
**J. REQUESTED ITEM**

1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

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**There being no further business to come before the Committee, the meeting was adjourned at 9:43 a.m.**

**Respectfully Submitted:**



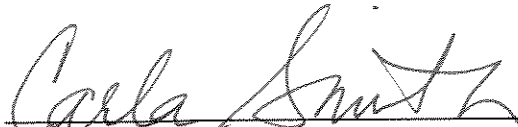
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**Fredriecca Cooper  
Legislative Assistant**



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**Alfred Berry, Jr.  
Research and Policy Analyst**



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**The Honorable Carla Smith, Chair  
City Utilities Committee**